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ASSOCIATION, FOSTER, et al.

E-FILED

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 PARK VILLAGE APARTMENTS
19 TENANTS ASSOCIATION, WILLIAM
FOSTER, SHIRLEY SMITH, ANAHID
20 ISSAHAKIAN, PATRICIA JOHNSON,
MARTIN KOCH, LAWRENCE LEE,
21 FOSTER REUBEN, MARIA LILLIAN
22 SANCHEZ, ALISON WRIGHT and
CORNELIUS WEEKLEY,

23 Plaintiffs,

24 v.

26 MORTIMER HOWARD TRUST,
27 MORTIMER R. HOWARD,

28 Defendants.

Case No. C-09-4780 EDL

**JOINT REQUEST TO CONTINUE
SETTLEMENT CONFERENCE AND
~~PROPOSED~~ ORDER AS MODIFIED**

1 Plaintiffs, PARK VILLAGE APARTMENT TENANTS ASSOCIATION, et al.
2 (Plaintiffs) and Defendants, MORTIMER HOWARD TRUST and MORTIMER HOWARD
3 (Defendants), in the above-entitled action, by and through respective counsel, hereby request that
4 the settlement conference currently scheduled for Wednesday, April 25, 2012 at 10:30 a.m. with
5 Magistrate Judge Beeler, be continued to one of the alternate dates below.

6 The reasons for this continuance request include:

- 7 1. The parties are currently engaged in settlement discussions and significant
8 progress has been made toward a final stipulated agreement to make the
9 preliminary injunction upheld by the Ninth Circuit on February 24, 2011
10 permanent.
11 2. This agreement will be a resolution of all issues and will include a dismissal
12 of the case.
13 3. The parties agree that only a few negotiation points remain and feel it would
14 be more productive at this time to continue settlement negotiations between
15 themselves with the goal of a final resolution.
16 themselves with the goal of a final resolution.

17 Having reviewed the Judge Beeler's calendar for available dates, the parties agree that the
18 following dates are acceptable to them:
19

20 Tuesday, May 22, 2012

21 Wednesday, May 23, 2012

22 Tuesday, May 29, 2012

23 Wednesday, May 30, 2012
24

25 Additionally, the Defendants answer is currently due the day before the settlement
26 conference, on April 24, 2012. In an effort to use resources wisely, Defendants also request that the
27 deadline for filing the answer also be extended to the day before the reset settlement conference
28 date.

1
2
3 RESPECTFULLY SUBMITTED,

4 BAY AREA LEGAL AID
5 Lisa S. Greif
6 Naomi Young
7 Robert Capistrano

8 NATIONAL HOUSING LAW PROJECT
9 James R. Grow
10 Kent Qian

11 Dated: April 17, 2012

12 /s/ Lisa S. Greif

13 Lisa S. Greif
14 Attorneys for Plaintiffs

15 SWIHART AND ASSOCIATES
16 Thomas Swihart

17 Dated: April 17, 2012

18 /s/ Thomas M. Swihart

19 Thomas M. Swihart
20 Attorneys for Defendants

21 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
22 "conformed" signature (/s/) within this efiled document.
23
24

25 Dated: April 17, 2012

26 Bv: /s/ Lisa S. Greif

27 LISA S. GREIF
28 Attorneys for Plaintiffs

ORDER

The Court having read and considered the Parties' request to continue the settlement conference and good cause appearing,

IT IS ORDERED that the settlement conference may be rescheduled to a date in June convenient for Judge Beeler. The parties shall contact Judge Beeler's Courtroom Deputy to obtain a date for the settlement conference. Defendant's answer shall be due the day before the settlement conference.

DATED: April 19, 2012

